

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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§

Criminal No. 4:21-cr-00009

**SUPPLEMENTAL CERTIFICATE OF CONFERENCE ON
DEFENDANT’S MOTION FOR A PRETRIAL CONFERENCE
PURSUANT TO THE CLASSIFIED INFORMATION PROCEDURES ACT**

On April 27, 2021, defendant Robert T. Brockman filed his Motion For a Pretrial Conference Pursuant to the Classified Information Procedures Act (“Motion”) to address the discovery schedule for classified material involved in this case. (Dkt. No. 52). In advance of filing the Motion, defense counsel contacted the prosecution team to obtain their position on the Motion. Specifically, defense counsel wrote:

We are planning to file a motion requesting that the Court schedule a conference pursuant to CIPA § 2 to address the discovery schedule for any classified material involved in this case. Please let us know the government’s position concerning this request. Thank you.

That same day, undersigned counsel received a communication from Trial Attorney Lee Langston, Tax Division, stating in relevant part that, “The government has no objection to scheduling the conference.”

On Monday May 3, 2021, Mr. Brockman’s counsel received further emails from Corey J. Smith, Senior Litigation Counsel, Tax Division, stating in relevant part that Mr.

Langston “was premature in responding to your request in my absence.” Mr. Smith also referred to a separate email he sent on May 3, 2021, stating in relevant part:

For the record, the government does object to a pre-trial conference on these matters until it is determined if counsel possesses the appropriate security clearances, and/or until all relevant procedures under CIPA are adhered to. I request that you file an amendment to your motion striking any reference to the government’s position.

Mr. Brockman hereby provides the Court with the government’s requested modification of its position on the Motion. Defense counsel will await the government’s opposition papers to more fully understand the nature of the government’s objections before responding further.

Dated: May 4, 2021

/s/Jason S. Varnado

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